

May 1, 2003

BY HAND DELIVERY

Marlene H. Dortch, Esq.
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Docket 00-258
Ex Parte Comment

Dear Ms. Dortch:

Wireless World, LLC, is an MMDS/ITFS operator providing competitive video and data service in the Virgin Islands. Our service includes provision of broadband internet access over the MMDS channels, with MDS channels 1 and 2A being used as the return channels. Our network configuration will be very dramatically affected by the reallocation of the 2150-2160 MHz band to other purposes. At each of our main transmitter and booster sites, we have separate receive facilities which are tuned to receive transmissions in this specific band. In addition, each participant's subscriber location transmits back on these frequencies. We estimate that to re-outfit and reconfigure each transmit and receive location in our system would cost at least \$100,000. This significant financial burden would have to be borne by a system which has never been cash flow positive in the almost seven years of its existence.

Wireless World recognizes that the Commission has already reallocated 5 MHz of this band, theoretically leaving us the 5 MHz at 2156-60 to utilize for current operations. Because this band is used for upstream transmissions (*i.e.*, customer-to-internet), the demand for bandwidth is less than might be needed for downstream transmission. We believe we could possibly shoehorn our existing operations into the remaining 5 MHz, but it would severely circumscribe our growth potential and, at some point, would seriously degrade the very speed of connection which distinguishes our service from others available to the consumer. Accordingly, we do not believe that leaving MDS operators with a truncated 5 MHz in the 2150-2160 band is a realistic long-term solution. We would need either the full 10 MHz at the existing frequency or an alternative 10 MHz at a nearby band.

We understand that the Wireless Communications Association International has proposed that MDS licensees be relocated to the 1910-1916 MHz and 1990-1996 MHz bands. If we must be moved at

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all, we believe this proposal is the least of the alternative evils. We believe that our existing 2 GHz equipment could be re-tuned to operate in this band and would not need to be scrapped altogether. While there would be significant costs involved in rolling trucks to each subscriber location, the process would be far less disruptive than relocation to more remote regions of the microwave band. Significantly, the 1.9 GHz band would have similar propagation characteristics to the 2.1 GHz band presently in use. We could therefore avoid a complete reconfiguration of our system.

In any case, we emphasize that it is important to replace the reallocated spectrum with an equal amount of spectrum as close as possible to the original allocation. Wireless World's predecessor paid very substantial sums to the Commission at auction for the rights to operate on the spectrum it is now using. For the Commission to boot Wireless World and other BTA holders to a smaller spectrum segment¹ in a less desirable portion of the spectrum band would be a violation of the solemn compact struck with bidders when the licenses were auctioned. We believe it would constitute both a "taking" in Fifth Amendment terms and a breach of the implied-in-fact contract between the Commission and innocent bidders.

Accordingly, we urge the Commission either to leave MDS operations in the 2150-2160 MHz band where they now operate, or relocate them to an equal amount of spectrum in the upper 1.9 GHz band.

Respectfully submitted,

WIRELESS WORLD, LLC

By /S/
Donald J. Evans

DJE:deb

¹The NPRM seems to envision MDS licenses with two full 6 MHz channels being squeezed into two 5 Hz channels. Since Wireless World has only a 2A rather than a 2, it is already confined to 10 MHz. There should be no additional sharing of bandwidth.